

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ALIE SWARRAY,

Plaintiff,

v.

CRAIG LOWE, et al.,

Defendant.

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Civil No. 1:17-cv-0970

Judge Sylvia H. Rambo

ORDER

AND NOW, this 18th day of August, 2017, **IT IS HEREBY ORDERED**
as follows:

- 1) The report and recommendation is **ADOPTED**.
- 2) The petitioner's petition for writ of habeas corpus (Doc. 1) is **GRANTED**
IN PART to the extent that the petitioner should be afforded an
individualized bond hearing.
- 3) Within 30 days, an immigration judge is directed to afford the petitioner an
individualized bail hearing. At this hearing, the immigration judge must
make an individualized inquiry into whether detention is still necessary for
the purposes of ensuring that the petitioner attends removal proceedings and
that his release will not pose a danger to the community. Further, the
government bears the burden of presenting evidence at this hearing and
proving that the petitioner's continued detention is necessary to fulfill the

purposes of the detention statute. *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 233 (3d Cir. 2011).

- 4) The parties should report to the District Court on the outcome of the individualized bail determination no later than three days after the immigration judge's hearing.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge